

Attorney Docket No. 31132.172 / PC792.00
Customer No. 27683

**INVENTOR'S DECLARATION FOR
PATENT APPLICATION**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

EXPANSION TOOL FOR ADJUSTABLE SPINAL IMPLANT

the specification of which: (check one)

_____ is attached hereto.

_____ was filed on _____
under Attorney's Docket Number _____
as Application Serial No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

60/412,730
(Application Number)

September 23, 2002
(Filing Date)

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign applications for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT

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international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed

FULL NAME OF INVENTOR: Bret M. Berry

INVENTOR'S SIGNATURE: B M Berry

DATED: 15 September 2003

RESIDENCE: 3848 Karissa Ann Pl. E., Jacksonville, FL 32223

CITIZENSHIP: USA

POST OFFICE ADDRESS: 3848 Karissa Ann Pl. E., Jacksonville, FL 32223

CUSTOMER NO.: 27683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
Washington, D.C. 20231

GENERAL POWER OF ATTORNEY
(for several applications filed in the USPTO)

As a representative of the Assignee, Medtronic Sofamor Danek, Inc., I hereby appoint the following attorneys and/or agents:

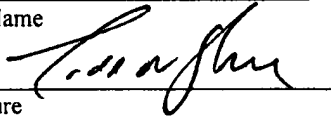
O'DELL, David M., David L. McCombs (Reg. No. 32,271); Michael J. Balconi-Lamica (Reg. No. 34,291); Jeffrey M. Becker (Reg. No. 35,442); James R. Bell (Reg. No. 26,528); Timothy F. Bliss (Reg. No. 50,925); Randall C. Brown (Reg. No. 31,213); L. Randall E. Colson (Reg. No. 40,566); Michael A. Davis, Jr. (Reg. No. 35,488); Ruben C. DeLeon (Reg. No. 37,812); Andrew S. Ehmke (Reg. No. 50,271); Brian J. Hubbard (Reg. No. 45,873); Rita M. Irani (Reg. No. 31,028); Warren B. Kice (Reg. No. 22,732); J. Andrew Lowes (Reg. No. 40,706); Todd Mattingly (Reg. No. 40,298); John Montgomery (Reg. No. 31,124); Bill R. Naifeh (Reg. No. 44,962) and Gloria Norberg (Reg. No. 36,706)

The undersigned (whose title is supplied below) is authorized to act on behalf of the Assignee.

January 15, 2003
Date

Todd N. Sheldon

Type Name


Signature

Vice President of Medtronic Sofamor Danek, Inc.

Title